

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-----------------------------------|---|--------------------------------|
| MIDWEST AGGREGATES, a division of |) | |
| PAYNE & DOLAN, INC., |) | |
| |) | |
| Plaintiff, |) | Case No. 1:08-cv-511 |
| |) | |
| v. |) | Judge John A. Nordberg |
| |) | |
| J & L CONCRETE, INC. and UNITED |) | Magistrate Judge Morton Denlow |
| CONCRETE WAUKEGAN, INC., |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF MIDWEST AGGREGATES'
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Midwest Aggregates, a division of Payne & Dolan, Inc. ("Midwest"), by its attorneys, Quarles & Brady LLP, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby moves this Court to enter summary judgment in favor of Midwest and against Defendant United Concrete Waukegan, Inc. In support of this motion, Midwest contemporaneously files its Local Rule 56.1 Statement of Material Facts, a Memorandum of Law, and the Affidavit of David Dietz.

WHEREFORE, for the reasons stated in Midwest's Local Rule 56.1 Statement of Material Facts, its Memorandum of Law, and the Affidavit of David Dietz, Midwest respectfully requests that this Court enter an order granting summary judgment in its favor against United Concrete Waukegan, Inc. in the amount of \$175,410.55 plus pre-judgment interest at five percent (5%) per annum, awarding Midwest its costs, and granting Midwest such further relief as is appropriate.

Respectfully submitted,

MIDWEST AGGREGATES, a division of
PAYNE & DOLAN, INC.

By: /s/ Vilan Odekar
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on April 24, 2008, a copy of the foregoing **Plaintiff Midwest Aggregates' Motion for Summary Judgment** was filed electronically using the Court's CM/ECF system. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system at the email addresses indicated below. Parties may access this filing through the Court's system.

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/s/ Vilan Odekar
*One of the attorneys for Midwest Aggregates,
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